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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/604,593	08/01/2003	Richard P. Kolb	SSPI0015.001	1592
26629	7590	09/28/2006	EXAMINER	
ZIOLKOWSKI PATENT SOLUTIONS GROUP, SC (ZPS)			ROJAS, BERNARD	
14135 NORTH CEDARBURG ROAD			ART UNIT	
MEQUON, WI 53097			PAPER NUMBER	
			2832	

DATE MAILED: 09/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	Application No. 10/604,593	Applicant(s) KOLB, RICHARD	
	Examiner Bernard Rojas	Art Unit 2832	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 May 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,5-17,22 and 25-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,2,5-9,28 and 29 is/are allowed.
- 6) ☒ Claim(s) 11-17,22,23 and 25-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments, filed 05/15/2006, with respect to the rejection(s) of claim(s) the pending claims have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Myers [US 4,470,030].

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 11, 12 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Myers [US 4,470,030].

Claim 11, Myers discloses an electromagnetic switching apparatus comprising:

a bobbin having a single coil [113, col. 2 lines 42 to 46] of wire wrapped there around;

a movable armature [128, 130] disposed within the single coil; and

a permanent magnet [160] separated from the armature by a non-magnetic spacer [141, 166] wherein the permanent magnet magnetically attracts the armature when the coil is de-energized and magnetically repels the armature when the coil is energized [col. 5 lines 10-26, when the coil is de-energized, the magnet latches the

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armature and when the coil is pulsed, the magnet repels the armature], wherein the non-magnetic spacer remains in a fixed position during movement of the movable armature [figure 5].

Claim 12, Uetsuhara et al. discloses that an end plate [114] and attracting stud [115] connected to one end of the bobbin wherein the attracting stud attracts the armature when the single coil is energized [figure 5].

Claim 22, Myers discloses a single coil solenoid comprising:

a first magnetic circuit between a movable plunger [128, 130] and a permanent magnet [160] spaced from the movable plunger by a non-magnetic spacer [141, 166] at a first electromagnetic condition created when the single coil of wire is not energized [figure 5]; and

a second magnetic circuit between the plunger and a stationary attracting member [115] at a second electromagnetic condition created when the single coil of wire is energized, wherein the plunger is linearly spaced from the stationary attracting member by the first magnetic circuit and driven linearly towards the attracting member by the second magnetic circuit [col. 5 lines 10-26].

### ***Claim Rejections - 35 USC § 103***

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 13-17, 23 and 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Myers [US 4,470,030].

Claim 13, Myers discloses the claimed invention with the exception of biasing the switch in a normally closed position by having a return spring bias the armature against the non-magnetic spacer. Myers discloses that a spring is used to bias the armature in a normally open position, away from the non-magnetic spacer. It would have been obvious to one of ordinary skill in the art at the time the invention was made to reverse the bias orientation of the spring in order to change the non-energized position of the armature to be either normally open or normally closed.

Claim 14, Myers discloses the apparatus of claim 13 wherein the armature is further configured to have a first polarity when the single coil is de-energized and a second polarity when the single coil is energized [col. 5 lines 10-26].

Claim 15, Myers discloses the apparatus of claim 14 wherein the second polarity matches a plurality of the permanent magnet [col. 5 lines 10-26, the pulsed second polarity cause the magnet to release the armature].

Claim 16, Myers discloses that the second polarity is opposite to a polarity of the end plate [col. 5 lines 10-26].

Claim 17, Myers discloses a plurality of shunt components [140, 100, figure 5] disposed radially around the actuator between the single coil and the permanent magnet.

Claims 23 and 25-27, as previously discussed in claim 11, it would have been obvious for one of ordinary skill in the art at the time in invention was made to put the components in kit form in order to facilitate on-site assembly of the solenoids [figure 5].

Claim 24, as previously discussed in claim 12, it would have been obvious for one of ordinary skill in the art at the time in invention was made to put the components in kit form in order to facilitate on-site assembly of the solenoids.

### ***Allowable Subject Matter***

Claims 1, 2, 5-9, 28 and 29 are allowed.

### ***Conclusion***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bernard Rojas whose telephone number is (571) 272-1998. The examiner can normally be reached on M-F 8-4:00), every other Friday off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Elvin G. Enad can be reached on (571) 272-1990. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
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ELVIN ENAD  
SUPERVISORY PATENT EXAMINER  
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